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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/767,938

01/23/2001

Katherine E. Hayes

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7590

09/03/2004

690-009608-US(PAR

EXAMINER

NGUYEN, MADELEINE ANH VINH

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ART UNIT

PAPER NUMBER

2626

DATE MAILED: 09/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,938

Applicant(s)

HAYES ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lavendel et al (US Patent No. 6,587,129).

Concerning claims 1, 7, Lavendel et al discloses a system (Fig.1) for processing a color image in a printing machine comprising an image processor (computer in Fig.2) for generating color image data from an original item to be printed. The system further comprising a manager (41, Fig. 4) comprising a user interface (2, 4, 5 Fig.1) adapted to allow a user to enter data relative to tone reproduction curves; a processor (13, Fig.2) constructed to receive the data entered by the user and generate at least one set of tone reproduction curves (Figs.11), a memory (6, 21, Fig.2) for storing the at least one set of tone curves for future use; wherein the processors are connected to combine the tone reproduction curves with the original color image data to generate customized color image data (Figs.7-11; Abstract; col. 5, line 47 – col. 8, line 16; col. 10, lines 10-32; col. 13, line 13 – col. 15, line 35).

Concerning claims 2-6, 8-12, Lavendel et al further teaches a color maintenance processor including a memory for storing at least one set of calibration tone reproduction curves (col. 5, lines 56-64; col. 6, lines 17-48) and wherein the color maintenance processor combines the customized color image data with the calibration tone reproduction curve to generate calibrated color image data, and the stored tone reproduction curves are supported by named

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reference to create a library of tone reproduction curves which is accessible for flexible use (Figs.11; col. 13, line 13 – col. 15, line 47; col. 16, lines 50-65; col. 17, lines 21-39; the color image data are stored prior to calibration for future use and calibration (col. 16, lines 50-65; col. 17, lines 21-39; col. 19, lines 51-67; col. 20, lines 8-18); a general user interface (16) for operating the printing means; a computer network (17, Fig.2).

Claims 13-21 are method claims of apparatus claims 1-12. Claims 18-21 are rejected for the same rationale set forth for claims 1-12.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

a. Ushio et al (US Patent No. 4,472,736) discloses a reproduction original classification and color separation tone curve adjustment.

b. Usami (US Patent No. 6,205,246) teaches a color transformation method which performs color correction between reproduced images under different conditions.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

August 26, 2004.